

1 May 2008

Comment to the FCC regarding

Report on Broadcast Localism and Notice of Proposed Rulemaking, MB Docket no. 04-233

Sirs,

The Notice of Proposed Rulemaking associated with Broadcast Localism report MB Docket No. 04-233, though put forward as an attempt to improve citizen utility of broadcast media, appears to have as its *intended* consequence to create chaos in the broadcast industry, increase cost to advertisers, increase the burden on the majority of citizens, reduce the actual flow of information to citizens and institute a watering-down of the first amendment rights we citizens are supposed to be guaranteed above the desires of "the government". At the same time this FCC committee is vilifying the broadcast industry in broad strokes for being "big" and "national" the FCC is caving in to the whining of "big" print media that they require subsidies from broadcast business to remain profitable. And all the while the FCC seem oblivious to inept (incorrect, incomplete, biased, non-fact based, "packaged opinion") presentations of "news" (particularly in TV broadcasting) supposedly important for the American citizenry to have access to in order to participate intelligently in the process of self governance. Finally it appears that the FCC intends to decide what is best for the citizenry to know and understand (in the good Soviet fashion) by blunting and in some cases removing the great American motivator, the free market tempered *minimally* by government.

What is worse, this proposal appears pretty obviously aimed at controlling the content delivered by various broadcasters. It is fairly apparent that these rule changes are intended to allow dissenting minority constituencies, whether viewers and listeners or not, the means to disrupt the flow of information which the majority consider important, and thereby stymie open and in-depth political, religious and local-issue discussion. Rules already abound addressing indecency in broadcast content, libel and incitement of illegal behavior and any number of other issues of concern for a society dedicated to the advancement of its citizenry. The diversity of content and localism (on radio at least) is overwhelming, demonstrating that minority opinions can be aired, and changes to low-power broadcast rules will only increase this diversity and localism. The changes proposed by MB 04-233 address none of these issues and fly in the face of currently existing structures to insure information and entertainment access. Hence this proposal is revealed as a simple effort to take power from the citizenry as expressed by the majority and reinvest it in processes that disrupt the effective execution of democracy at the hand of a militant few supported by a politically motivated government.

Specifically, requiring broadcasters to report in detail about broadcast content so citizens can determine if the broadcast content is sufficiently diverse and addresses the issue of localism is an unveiled attempt to allow specific governmental intervention into my first amendment right to free speech. This will give very small minorities the opportunity to oppose, dilute and curtail broadcasts overwhelmingly supported by the majority of the viewing and listening audience, and

for reasons that include suppression of political speech and religious education – in specific contradiction to the constitution and in contradistinction from the ostensible intent of this FCC commission. The same is true of the proposed advisory committees which would be able to preempt broadcast content for any of a number of reasons. While considering the establishment of invasive monitoring groups, this FC committee is apparently ignoring citizen established advisory and monitoring groups already existing, formed without the need for government sanction or forced support by industry.

The process of selecting broadcast content, and deciding relevance to the local community is already accomplished in the commercial realm by the twin measures of ratings and profitability. To think that the government can do this better is hubris, and allowing a small minority to dictate content violates my constitutional rights (and, it might be noted, has motivated people to give their lives to overturn such tyranny of the minority). Establishing advisory boards and content reporting removes the onus of *responsible* action from the minority groups and places a tremendous burden on the majority to constantly defend its access to free speech. This is a true abuse of the citizenry (and an example of the arrogance of power), as means currently exist to address “bad” behavior of broadcasters (witness Don Imas). This is also diametrically opposed to the intent of the framers of *our* constitution (re: The Federalist Papers, U.S. Constitution) who stated repeatedly that a free society requires a well informed citizenry.

It is equally telling that in response to the “big print media” seeing their profits plunge; the FCC would create the means of subsidization of an unprofitably structured industry by coupling it to a profitable broadcast industry. Instead of mandating advisory panels and review boards and “truth in news” reporting, my government has apparently chosen to subsidize poorly run enterprises by removing a long standing barrier to Trust formation and ignoring the free market response of the citizenry to force change by the “big” print media. That same citizenry this committee of the FCC believes is so imperiled by broadcast media has resurrected the radio broadcast segment of the industry by exercising the rights of consumers in a free market economy to select that which *is* important and expending their limited monetary resources to support radio broadcast and the “new media” while finding the Old media less relevant, and continually more at odds with what the public defines as relevant. This process is a definition of the America, which, it appears, the FCC sees as its political duty to undermine.

Finally, in my broad cast market, the issues identified in the Broadcast Localism report are not apparent because of the diversity of broadcast outlets, supplemented by print and internet media. Radio spans the political and entertainment spectrum, and hosts a great number of local issue broadcasts with tremendous listener access (allowing me, for example, to speak directly and personally with Colorado Gov. Ritter regarding proposed legislation). Radio stations regularly hold public comment opportunities, and every station to which I listen hosts a web site where comment is encouraged. Many broadcasts are available over the internet as mp3 type files or transcripts, and summaries of many programs are available by searching the web. I have the ability to contact the FCC over issues I become aware of, and I can contact radio stations directly if I desire. Local television is much the same, though without the immediate access offered by radio, and each station I view hosts a web site with tremendous resources for research, contacting and input.

There are problems in the broadcast industry such as accuracy of reporting; what is described as news versus entertainment or opinion; bias and on Television, the general mindlessness of much of the broadcasting along with pandering to the lowest intellect instead of improving our society. But the FCC doesn't appear interested in these issues: taking action to effect real improvements in the use of our spectrum resources. Instead this NPR appears aimed at undermining what is good about the industry and abridging my constitutional rights by allowing a disenfranchised minority to disrupt what the majority deems reasonable and giving them the full force and authority of the government to enforce such chaos on the majority. And how much (tax) money was spent on this effort to date? Instead, I recommend the following for your edification: *Four Arguments for the Elimination of Television*, by Jerry Mander, Perennial 2002.

I look forward to hearing from the commission members in response,

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